ENGROSSED
SENATE BILL No. 363

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DIGEST OF SB 363 (Updated March 23, 2005 1:16 pm - DI 113)

Citations Affected: IC 33-37; IC 33-38; noncode.

Synopsis: Judicial salaries. Increases judicial salaries. Provides for salary increases in years in which the general assembly does not amend the statutory salary amount but members of the executive department of state government get a statewide salary increase or a cost of living salary increase. Provides that the automatic salary increase is the statewide average percentage increase received for that fiscal year by state employees in the executive branch who are in the same or a similar salary bracket. Requires the budget director to augment the appropriations for judicial salaries if necessary. Provides for an additional distribution to the Indiana judges' retirement fund to fund pension increases related to the salary increase.

Effective: July 1, 2005.

Broden, Clark, Bowser, Long, Hume, Meeks

(HOUSE SPONSORS — FOLEY, KUZMAN)

January 11, 2005, read first time and referred to Committee on Judiciary.
January 27, 2005, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.
February 17, 2005, amended, reported favorably — Do Pass.
February 21, 2005, read second time, ordered engrossed.
February 22, 2005, engrossed.
February 24, 2005, read third time, passed. Yeas 41, nays 7.
HOUSE ACTION
March 8, 2005, read first time and referred to Committee on Ways and Means.
March 24, 2005, amended, reported — Do Pass.

ES 363—LS 6821/DI 69+

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March 25, 2005

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~
 Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.
 Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

ENGROSSED
SENATE BILL No. 363

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 33-37-7-9 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) On June 30 and
3 on December 31 of each year, the auditor of state shall transfer to the
4 treasurer of state ~~six million seven hundred four thousand two hundred~~
5 ~~fifty-seven~~ **seven million five hundred ninety-seven thousand two**
6 **hundred nine** dollars ~~($6,704,257)~~ **($7,597,209)** for distribution under
7 subsection (b).
8   (b) On June 30 and on December 31 of each year the treasurer of
9 state shall deposit into:
10   (1) the family violence and victim assistance fund established by
11   IC 12-18-5-2 an amount equal to ~~eleven~~ **nine** and
12   ~~eight-hundredths~~ **seventy-eight hundredths** percent ~~(11.08%);~~
13   **(9.78%);**
14   (2) the Indiana judges' retirement fund established by
15   IC 33-38-6-12 an amount equal to ~~twenty-five~~ **thirty-three** and
16   ~~twenty-one~~ **ninety-six** hundredths percent ~~(25.21%);~~ **(33.96%);**
17   (3) the law enforcement academy building fund established by

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1   IC 5-2-1-13 an amount equal to three and ~~fifty-two~~ **eleven**
2   hundredths percent ~~(3.52%);~~ **(3.11%);**
3   (4) the law enforcement training fund established by IC 5-2-1-13
4   an amount equal to ~~fourteen~~ **twelve** and ~~nineteen-hundredths~~
5   **fifty-three hundredths** percent ~~(14.19%);~~ **(12.53%);**
6   (5) the violent crime victims compensation fund established by
7   IC 5-2-6.1-40 an amount equal to ~~sixteen~~ **fourteen** and
8   ~~fifty-hundredths~~ **fifty-seven hundredths** percent ~~(16.50%);~~
9   **(14.57%);**
10   (6) the motor vehicle highway account an amount equal to
11   ~~twenty-six~~ **twenty-three** and ~~ninety-five~~ **seventy-nine** hundredths
12   percent ~~(26.95%);~~ **(23.79%);**
13   (7) the fish and wildlife fund established by IC 14-22-3-2 an
14   amount equal to ~~thirty-two~~ **twenty-nine** hundredths of one
15   percent ~~(0.32%);~~ **(0.29%);** and
16   (8) the Indiana judicial center drug and alcohol programs fund
17   established by IC 12-23-14-17 for the administration,
18   certification, and support of alcohol and drug services programs
19   under IC 12-23-14 an amount equal to ~~two~~ **one** and ~~twenty-three~~
20   **ninety-seven** hundredths percent ~~(2.23%);~~ **(1.97%);**
21   of the amount transferred by the auditor of state under subsection (a).
22   (c) On June 30 and on December 31 of each year the auditor of state
23   shall transfer to the treasurer of state for deposit into the public defense
24   fund established under IC 33-40-6-1:
25   (1) after June 30, 2004, and before July 1, 2005, one million
26   seven hundred thousand dollars ($1,700,000); and
27   (2) after June 30, 2005, two million two hundred thousand dollars
28   ($2,200,000).
29   SECTION 2. IC 33-38-5-6 IS AMENDED TO READ AS
30   FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) The ~~total~~ annual
31   salary of each full-time judge of a circuit, superior, municipal, county,
32   or probate court is ~~(1) ninety~~ **one hundred ten** thousand **five hundred**
33   dollars ~~($90,000);~~ **($110,500), as adjusted after June 30, 2006, under**
34   **section 8.1 of this chapter,** paid by the state. **In addition, a judge**
35   **under this section may receive** ~~and (2)~~ any additional salary provided
36   by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall
37   deposit quarterly the money received from the counties under
38   subsection (c) for additional salary in the state general fund.
39   (b) Before November 2 of each year, the county auditor of each
40   county shall certify to the division of state court administration the
41   amounts, if any, to be provided by the county during the ensuing
42   calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

1 (c) When making each payment under subsection (a), the county
2 shall determine for each judge whether the total of:
3   (1) the payment made on behalf of that judge;
4   (2) previous payments made on behalf of that judge in the same
5   calendar year; and
6   (3) the state share of the judge's salary under subsection (a);
7 exceeds the Social Security wage base established by the federal
8 government for that year. If the total does not exceed the Social
9 Security wage base, the payment on behalf of that judge must also be
10 accompanied by an amount equal to the employer's share of Social
11 Security taxes and Medicare taxes. If the total exceeds the Social
12 Security wage base, the part of the payment on behalf of the judge that
13 is below the Social Security wage base must be accompanied by an
14 amount equal to the employer's share of Social Security taxes and
15 Medicare taxes, and the part of the payment on behalf of the judge that
16 exceeds the Social Security wage base must be accompanied by an
17 amount equal to the employer's share of Medicare taxes. Payments
18 made under this subsection shall be deposited in the state general fund
19 under subsection (a).
20 (d) For purposes of determining the amount of life insurance
21 premiums to be paid by a judge who participates in a life insurance
22 program that:
23   (1) is established by the state;
24   (2) applies to a judge who is covered by this section; and
25   (3) bases the amount of premiums to be paid by the judge on the
26   amount of the judge's salary;
27 the judge's salary does not include any amounts paid to the state by a
28 county under subsection (a).
29 SECTION 3. IC 33-38-5-8 IS AMENDED TO READ AS
30 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) The ~~total~~ annual
31 salary for each justice of the supreme court is one hundred ~~fifteen~~
32 **thirty-three** thousand **six hundred** dollars ~~($115,000).~~ **($133,600), as**
33 **adjusted after June 30, 2006, under section 8.1 of this chapter.**
34 (b) The ~~total~~ annual salary for each judge of the court of appeals is
35 one hundred ~~ten~~ **twenty-nine** thousand **eight hundred** dollars
36 ~~($110,000).~~ **($129,800), as adjusted after June 30, 2006, under**
37 **section 8.1 of this chapter.**
38 (c) The state shall pay the annual salaries prescribed in subsections
39 (a) through (b) from the state general fund.
40 (d) In addition to salary, the state shall pay to a justice or judge, in
41 equal monthly payments on the first day of each month from money in
42 the state general fund not otherwise appropriated, the following annual

1 subsistence allowances to assist in defraying expenses relating to or
2 resulting from the discharge of the justice's or judge's official duties:
3 　　　(1) Five thousand five hundred dollars ($5,500) to the chief
4 　　　justice of the supreme court.
5 　　　(2) Five thousand five hundred dollars ($5,500) to the chief judge
6 　　　of the court of appeals.
7 　　　(3) Three thousand dollars ($3,000) to each justice of the supreme
8 　　　court who is not the chief justice.
9 　　　(4) Three thousand dollars ($3,000) to each judge of the court of
10 　　　appeals who is not the chief judge.
11 A justice or judge is not required to make an accounting for an
12 allowance received under this subsection.
13 　　(e) The state may not furnish automobiles for the use of justices or
14 judges compensated under this section.
15 　　SECTION 4. IC 33-38-5-8.1 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
17 1, 2005]: **Sec. 8.1. (a) Beginning July 1, 2006, in each state fiscal**
18 **year during which the general assembly does not provide a salary**
19 **increase to a judge or justice under this chapter or IC 33-26-2-5,**
20 **the judicial salaries in sections 6 and 8 of this chapter for that state**
21 **fiscal year are increased by the same percentage amount as the**
22 **statewide average percentage increase received by state employees**
23 **in the executive branch who are in the same or a similar salary**
24 **bracket, as determined by the budget director.**
25 　　**(b) Subsequent salary increases under subsection (a) shall be**
26 **calculated by applying the percentage increase given to state**
27 **employees in the executive branch who are in the same or a similar**
28 **salary bracket to the salary, as adjusted after June 30, 2006, under**
29 **this section, that is in effect for the court on the immediately**
30 **preceding June 30.**
31 　　**(c) Judges and justices are not entitled to receive a salary**
32 **increase under subsection (a) in a state fiscal year in which state**
33 **employees do not receive a statewide average salary increase.**
34 　　**(d) If a salary increase is required under subsection (a), the**
35 **budget director shall augment the line items for judicial salaries in**
36 **the state biennial budget in an amount sufficient to pay for the**
37 **salary increase from the sources of funds determined by the budget**
38 **director.**
39 　　SECTION 5. [EFFECTIVE JULY 1, 2005] **IC 33-38-5-6 and**
40 **IC 33-38-5-8, both as amended by this act, apply only to increase**
41 **the part of an annual salary payable after June 30, 2005.**

SENATE MOTION

Madam President: I move that Senator Clark be added as second author of Senate Bill 363.

BRODEN

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SENATE MOTION

Madam President: I move that Senator Bowser be added as coauthor of Senate Bill 363.

BRODEN

C o p y

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 363, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 4, after "section" insert "**5,**".

Page 4, line 4, delete "6" and insert "**6,**".

and when so amended that said bill do pass and be recommitted to the Committee on Appropriations.

(Reference is to SB 363 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 9, Nays 0.

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SENATE MOTION

Madam President: I move that Senator Long be added as coauthor of Senate Bill 363.

BRODEN

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SENATE MOTION

Madam President: I move that Senators Hume and Meeks be added as coauthors of Senate Bill 363.

BRODEN

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 363, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 4, line 3, after "employees" insert "**in the executive branch who are in the same or a similar salary bracket**".

Page 4, line 10, after "(a)," insert "**the budget director shall augment**".

Page 4, line 11, delete "are".

Page 4, line 12, delete "augmented".

Page 4, line 13, delete "same source" and insert "**sources**".

Page 4, line 13, delete "as for state employee salary" and insert "**determined by the budget director.**".

Page 4, delete line 14.

and when so amended that said bill do pass.

(Reference is to SB 363 as printed January 28, 2005.)

MEEKS, Chairperson

Committee Vote: Yeas 10, Nays 0.

ES 363—LS 6821/DI 69+

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 363, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 33-37-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state ~~six million seven hundred four thousand two hundred fifty-seven~~ **seven million five hundred ninety-seven thousand two hundred nine** dollars ~~($6,704,257)~~ **($7,597,209)** for distribution under subsection (b).

(b) On June 30 and on December 31 of each year the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established by IC 12-18-5-2 an amount equal to ~~eleven~~ **nine** and ~~eight-hundredths~~ **seventy-eight hundredths** percent ~~(11.08%);~~ **(9.78%);**

(2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to ~~twenty-five~~ **thirty-three** and ~~twenty-one~~ **ninety-six** hundredths percent ~~(25.21%);~~ **(33.96%);**

(3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to three and ~~fifty-two~~ **eleven** hundredths percent ~~(3.52%);~~ **(3.11%);**

(4) the law enforcement training fund established by IC 5-2-1-13 an amount equal to ~~fourteen~~ **twelve** and ~~nineteen-hundredths~~ **fifty-three hundredths** percent ~~(14.19%);~~ **(12.53%);**

(5) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to ~~sixteen~~ **fourteen** and ~~fifty-hundredths~~ **fifty-seven hundredths** percent ~~(16.50%);~~ **(14.57%);**

(6) the motor vehicle highway account an amount equal to ~~twenty-six~~ **twenty-three** and ~~ninety-five~~ **seventy-nine** hundredths percent ~~(26.95%);~~ **(23.79%);**

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to ~~thirty-two~~ **twenty-nine** hundredths of one percent ~~(0.32%);~~ **(0.29%);** and

(8) the Indiana judicial center drug and alcohol programs fund established by IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs

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under IC 12-23-14 an amount equal to ~~two~~ **one** and ~~twenty-three~~ **ninety-seven** hundredths percent ~~(2.23%),~~ **(1.97%);**
of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year the auditor of state shall transfer to the treasurer of state for deposit into the public defense fund established under IC 33-40-6-1:

(1) after June 30, 2004, and before July 1, 2005, one million seven hundred thousand dollars ($1,700,000); and

(2) after June 30, 2005, two million two hundred thousand dollars ($2,200,000).".

Page 2, delete lines 1 through 4.

Page 2, line 6, delete "base".

Page 2, line 8, strike "ninety" and insert "**one hundred ten**".

Page 2, line 8, after "thousand" insert "**five hundred**".

Page 2, line 8, strike "($90,000)," and insert "**($110,500), as adjusted after June 30, 2006, under section 8.1 of this chapter,**".

Page 2, line 9, delete ":".

Page 2, line 10, delete "(1) a salary increase under section 8.1 of this chapter;"

Page 2, line 10, strike "and".

Page 2, line 11, strike "(2)".

Page 2, run in lines 9 through 11.

Page 2, line 19, reset in roman "(a),".

Page 2, line 19, delete "(a)(2),".

Page 3, line 4, reset in roman "(a).".

Page 3, line 4, delete "(a)(2).".

Page 3, line 6, delete "base".

Page 3, line 8, strike "fifteen" and insert "**thirty-three**".

Page 3, line 8, after "thousand" insert "**six hundred**".

Page 3, line 8, strike "($115,000).".

Page 3, delete line 8, delete "In addition, a justice under this" and insert "**($133,600), as adjusted after June 30, 2006, under section 8.1 of this chapter.**".

Page 3, delete line 9 through 10.

Page 3, line 11, delete "base".

Page 3, line 12, strike "ten" and insert "**twenty-nine**".

Page 3, line 12, after "thousand" insert "**eight hundred**".

Page 3, line 12, strike "($110,000).".

Page 3, line 12, delete "In addition," and insert "**($129,800), as adjusted after June 30, 2006, under section 8.1 of this chapter.**".

Page 3, delete lines 13 through 14.

Page 3, line 39, delete "judge's or justice's salary" and insert

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"**judicial salaries in sections 6 and 8 of this chapter**".

Page 3, line 39, delete "shall be" and insert "**are**".

Page 3, line 40, delete "or cost" and insert "**average**".

Page 3, line 41, delete "of living".

Page 3, line 42, delete "." and insert "**, as determined by the budget director.**".

Page 4, line 4, delete "sum of:" and insert "**salary, as adjusted after June 30, 2006, under this section, that is in effect for the court on the immediately preceding June 30.**".

Page 4, delete lines 5 through 6.

Page 4, line 9, delete "or cost of living" and insert "**average**".

Page 4, after line 15, begin a new paragraph and insert:

"SECTION 5 [EFFECTIVE JULY 1, 2005] **IC 33-38-5-6 and IC 33-38-5-8, both as amended by this act, apply only to increase the part of an annual salary payable after June 30, 2005.**".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 363 as printed February 18, 2005.)

ESPICH, Chair

Committee Vote: yeas 22, nays 0.

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